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DATE: May 14, 2002

TO: Raymond Addle
Patent Examiner
Group 3600
Commissioner of Patents
Washington, D.C. 20231

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GROUP 3600

Fax No.: 703-305-3597

Pages (including this cover sheet): 3

FROM: James M. Bagarazzi, Esquire

RE: Application of: BRADLEY
Title: APPARATUS AND METHOD
FOR DEPLOYING GEOTEXTILE TUBES
Serial No.: 09/612,810
Filing Date: July 10, 2000

Transmitted By: Denise R. Ginn
Assistant to James M. Bagarazzi

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper is being transmitted herewith via facsimile to number 703-305-3597 addressed to Raymond Addie, Patent Examiner, Group 3600 Commissioner of Patents, Washington, D.C. 20231, on:

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Denise R. Ginn
(Signature of person faxing paper)

GROUP 3600

In re Application of: Bradley)
Serial No.: 09/612,810)
Filed: July 10, 2000)
Title: APPARATUS AND METHOD FOR DEPLOYING GEOTEXTILE TUBES)

Group Art Unit 3673Examiner R. Addie**REQUEST FOR WITHDRAWAL OF FINALITY OF EXAMINER'S ACTION**

In the Office Action mailed on September 18, 2001, claim 16 was rejected under 35 U.S.C. § 112, 2d paragraph as indefinite. Responsive to this rejection, Applicant amended claim 16 to remove the language deemed by the Examiner to render claim 16 indefinite and present said language in better form in accordance with page 3 of the Action.

Paragraph 6 of the Action also rejected claim 16 under 35 U.S.C. § 102(b) as anticipated by Dooleage (U.S.P. 5,125,767). Amendment A responsive to the Action did not amend claim 16 substantively to overcome the rejection under Section 102

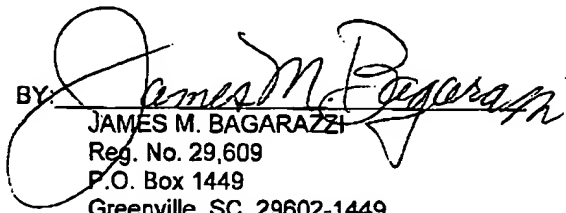
based on Dooleage. Yet the final Action rejects claim 16 under 35 U.S.C. § 103(a) as unpatentable over Holmberg (U.S.P. 5,158,395) in view of Dooleage. This newly asserted combination could not have been occasioned or required by applicant's Amendment A. Accordingly, applicant's Amendment could not have necessitated this new ground of rejection as stated in the conclusion on page 23 of the final Action. Applicant therefore respectfully submits that the finality of the Action should be withdrawn. Applicant respectfully requests withdrawal of the finality of the Action and resetting of the time for response upon reissuing the Action without finality.

Respectfully submitted,
DORITY & MANNING, P.A.

DATE:

May 14, 2007

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